

**Amendments to the Drawings:**

The attached replacement sheet of drawings includes changes to Fig. 12B. This sheet replaces the original sheet including Fig. 12B. In Fig. 12B, clarification of the components near the ball joint has been made, along with cross-hatching to reflect the cross-sectional view.

A new sheet of drawings including new Fig. 13 has also been attached. Fig. 13 shows a prosthetic foot similar to that shown in Fig. 12A. However, in this version, the following features are shown: a perforation extending longitudinally through the anterior buffer, a perforation extending laterally through the posterior buffer and a heel buffer that does not extend anteriorly to the end of the heel member.

Attachments: Replacement Sheet

Annotated Sheet Showing Changes

New Sheet

**REMARKS/ARGUMENTS**

Claims 1-44 were pending in this application, with claims 12, 13, 16, 20-24 and 30-33 withdrawn from consideration. By this Amendment, claims 1, 34, 35 and 40 are amended and claims 45-47 are newly added.

The Examiner's comment concerning French patent (FR 2 410 998) submitted in an IDS has been noted. A suitable explanation of its relevance will be provided in a separate submission.

In the specification, the four typographical errors pointed out by the examiner have been corrected. In addition, the formal version of Fig. 12B has been amended to clarify the components near the ball joint, in order to be consistent with the informal drawing as originally filed. Further, cross-hatching has been added to reflect the cross-sectional view. Applicant respectfully requests withdrawal of the objection to the disclosure.

In the objection to the drawings, the Action asserted that a "perforation extending longitudinally through the first, anterior buffer," a "perforation extending laterally through the second, posterior buffer," and a heel buffer that does not extend "anteriorly to the end of the heel member," as claimed, are not shown in the drawings. A new Fig.13 has been added, showing these three features in a prosthetic foot similar to that shown in Fig. 12A, and the listing of drawings has been amended to include the new figure. No new matter has been added. Support for these claimed features is set forth in the specification. In particular, a heel buffer with the claimed feature is discussed on page 12 at lines 15-16. Anterior and posterior buffers with the claimed perforations are discussed on page 9, lines 5-12. The specification has also been amended to add a reference to new Figure 13 in each of these paragraphs. Although the specified features were not discussed with respect to one specific drawing, they were presented as alternatives that are viable for any of the embodiments shown and/or described in the specification. In addition, the specification states, on page 15, that "modifications, variations, and different combinations thereof may be made without

departing from the spirit or scope of the invention.” Applicant respectfully requests acceptance of the new figure and withdrawal of the objection to the drawings.

Claim 34 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which applicant regards as the invention. In particular, the Action asserts that “the first and second buffers” lacks antecedent basis. Claim 34 has been amended to depend from claim 3, which provides clear antecedent basis for these two buffers. Applicant respectfully requests withdrawal of this rejection.

Claims 1-7, 10, 11, 14, 15, 17-19, 25-29 and 35-44 were rejected under 35 U.S.C. 102(b) as being anticipated by Kleylein, DE 1 211 354: drawings. Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kleylein: drawings. Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kleylein in view of Roeser, DE 924 230: drawings.

Klelein shows an early version of a prosthetic foot and ankle combination. In particular, a foot and ankle are connected by two rod and ball joint combinations and a number of deformable components. In one combination, a threaded rod 21 is moveably captured within a lower foot part 2. The rod extends upward to be connected to ball 22 within socket 23, which are mounted within an upper ankle part 1. In the other, a threaded rod 8 is moveably captured within the upper ankle part 1. It extends downward to be connected to a ball 4 within socket 5, which are mounted within the lower foot part 2.

Claims 1, 35 and 40 have been amended to recite a prosthetic foot including a lower member having a top and a bottom; a post extending from the top of the lower member and an upper member having a ball joint positioned therein, the ball joint having an opening for accepting the post therein, with the post fixedly connected to the lower member. Support for this amendment is found throughout the specification. In particular, the post is described within the specification on page 8, lines 12-19:

The post 24 can be formed as a part of base unit 22. The base unit 22 can be made from stainless steel, titanium or other lightweight alloy. The base unit 22 can be attached to the lower member 20 using one or more of a variety of means including without limitation, adhesives, nut and bolt, rivets, or clamps.

In an alternative embodiment, the post 24 can be formed as part of the lower member 20. In yet another embodiment, the post 24 can be connected to the lower member 20 using one or more of a variety of means including without limitation, adhesives, nut and bolt, rivets, or clamps.

In addition, it is stated in the Summary section on page 4, lines 10-11, that the lower member can be molded from a lightweight metal such as titanium.

In Klylein, both of the rods 8 and 21 are moveably connected to the ankle and foot parts, respectively. Both of these rod and ball joint mechanisms include deformable components, such as parts 9 and 24, respectively, that are designed to compress as the ankle and foot parts move relative to the rods. This reference does not show or suggest a prosthetic foot that includes a post that is fixedly connected to a lower member of the foot. Therefore, amended claims 1, 35 and 40 are not anticipated by nor unpatentable over the Klylein reference, and Applicants respectfully request withdrawal of the rejection and allowance of these independent claims.

The remainder of the rejected claims depend from one of these allowable independent claims, and thus are allowable for at least the same reasons. In addition, a theoretical combination of Klylein and Roeser does not render claims 8 or 9 unpatentable because nothing in Roeser overcomes the deficiencies of Klylein. Roeser does not teach or suggest prosthetic foot including a post and ball joint combination wherein the post is fixedly connected to a lower member of foot. In fact, Roeser does not show any post and ball joint combinations. Therefore, Applicants respectfully request withdrawal of these rejections and allowance of all pending claims.

Claims 45, 46 and 47 have been newly added and depend from claims 40, 35 and 1, respectively. Each recites that the prosthetic foot includes only one ball joint and post combination. Support for these new claims is found throughout the specification. Therefore, these claims are allowable for at least the same reasons. In addition, Klylein fails to show or

suggest a prosthetic foot and ankle structure including only one rod and ball joint, and Roeser fails to teach or suggest any post and ball joint combinations for a prosthetic ankle. Thus, claims 45-47 are patentable over the cited references.

In conclusion, all of the claims remaining in this application should now be seen to be in condition for allowance. A prompt notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

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